



ITW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Morton REESLEV et al.
Application No.: **10/591,321**
Filing Date: August 31, 2006
Conf. No.: 9441
Group Art Unit: 1657
Examiner: Paul C. Martin
Title: Filtration Method for Detecting Microbial Contamination
(As Amended)
Atty. Dkt. No.: 36731-000093/US

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Alexandria, VA 22314
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March 26, 2010

STATEMENT REGARDING THE SUBSTANCE OF THE INTERVIEW

Sir:

In response to the Interview Summary mailed on February 24, 2010, the following Statement of the Substance of Interview is respectfully submitted in response to the February 17, 2010 telephonic interview between Examiner Paul C. Martin and Applicants' representative, Crystal Wilson (Reg. No. 61,730).

During the February 17, 2010 interview, Applicants' representative argued that Tuompo fails to teach, or suggest, that the test solution should remain on the influent side of the filter for a period of time sufficient to allow a reaction to take place before passing the test solution to the effluent side of the filter.

The Examiner acknowledged Applicants' position, but recommended that Applicants consider further specifying the "period of time" in order to distinguish over Tuompo.

Applicants' representative also argued that detection does not occur on the effluent side of the filter taught by Tuompo when NBT is used, and there are no suggestions that the MTT is detected on the effluent side. Applicants' representative further argued that the references appear to "teach away" from each other, and further more the combination does not suggest the features of steps (d) and (e).

However, the Examiner stated that one of ordinary skill would deduce that the aqueous MTT solution would pass through the filter, and therefore detection would occur on the effluent side of the filter. Furthermore, the Examiner stated that there is no indication that the fluorescent solution of Koumura could not be passed through a filter (similar to the MTT solution of Tuompo) and subsequently detected on the effluent side of the filter.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By

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JAC/CDW